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SPECIAL SUPPLEMENT

State Environmental Planning Policy No 5—Housing for Older People or People with a Disability (Amendment No 5)

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following State environmental planning policy under the *Environmental Planning and Assessment Act 1979* in accordance with the recommendation made by the Minister for Planning.

KIM YEADON, M.P.,
Acting Minister for Planning

Clause 1 State Environmental Planning Policy No 5—Housing for Older People or People with a Disability (Amendment No 5)

State Environmental Planning Policy No 5—Housing for Older People or People with a Disability (Amendment No 5)

1 Name of this Policy

This Policy is *State Environmental Planning Policy No 5—Housing for Older People or People with a Disability (Amendment No 5)*.

2 Principal Policy

In this Policy, *State Environmental Planning Policy No 5—Housing for Older People or People with a Disability* is referred to as the Principal Policy.

3 Aims, objectives etc

This Policy aims:

- (a) to exempt certain bush fire prone land, and land where there is an evacuation risk in the event of bush fire, from the application of the Principal Policy, and
- (b) to require consent authorities to be satisfied that development on certain bush fire prone land complies with the publication *Planning for Bushfire Protection*, and
- (c) to require consent authorities to take certain criteria into consideration in determining applications for consent to carry out development to which the Principal Policy applies on land in the vicinity of bush fire prone land.

4 Land to which this Policy applies

This Policy applies to the land to which the Principal Policy applies.

5 Amendment of Principal Policy

The Principal Policy is amended as set out in Schedule 1.

State Environmental Planning Policy No 5—Housing for Older People or
People with a Disability (Amendment No 5)

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 5)

[1] Clause 12 Matters for consideration

Insert after clause 12 (2A):

- (2B) The consent authority must not consent to a development application made pursuant to this Part to carry out development on land identified on a bush fire prone land map certified under section 146 of the Act as “Bush fire prone land—vegetation category 2” or “Bush fire prone land—vegetation buffer” unless the consent authority is satisfied that the development complies with the requirements of the document titled *Planning for Bushfire Protection*, ISBN 0 9585987 8 9, published by Planning & Environment Services, NSW Rural Fire Service in co-operation with the Department of Planning, dated December 2001.
- (2C) The consent authority, in determining a development application made pursuant to this Part to carry out development on land in the vicinity of land identified on a bush fire prone land map certified under section 146 of the Act as “Bush fire prone land—vegetation category 1”, “Bush fire prone land—vegetation category 2” or “Bush fire prone land—vegetation buffer”, must take into consideration the general location of the proposed development, the means of access to and egress from the general location and other relevant matters, including the following:
 - (a) the size of the existing population within the locality,
 - (b) age groups within that population and the number of persons within those age groups,
 - (c) the number of hospitals and other facilities providing care to the residents of the facilities within the locality, and the number of beds within those hospitals and facilities,
 - (d) the number of schools within the locality and the number of students at those schools,

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Schedule 1 Amendments

- (e) existing development within the locality that has been carried out under this Policy,
 - (f) the road network within the locality and the capacity of the road network to cater for traffic to and from existing development if there were a need to evacuate persons from the locality in the event of a bush fire,
 - (g) the adequacy of access to and from the site of the proposed development for emergency response vehicles,
 - (h) the nature, extent and adequacy of bush fire emergency procedures that are able to be applied to the proposed development and its site,
 - (i) the requirements of New South Wales Fire Brigades.
- (2D) In exercising its functions under subclause (2C), the consent authority must consult with the NSW Rural Fire Service and have regard to its comments.

[2] Clause 25A

Insert before clause 26:

25A Amendments to the bush fire evacuation risk map

- (1) The Director-General may prepare a map or maps for the purpose of amending or replacing the bush fire evacuation risk map.
- (2) In preparing such a map, the Director-General is to take the following matters into consideration:
 - (a) the size of the existing population within the locality,
 - (b) age groups within that population and the number of persons within those age groups,
 - (c) the number of hospitals and other facilities providing care to the residents of the facilities within the locality, and the number of beds within those hospitals and facilities,
 - (d) the number of schools within the locality and the number of students at those schools,

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Amendments

Schedule 1

- (e) existing development within the locality that has been carried out under this Policy.
- (3) A map prepared under this clause has effect only if this Policy is amended to give effect to it.

[3] Schedule 1 Environmentally sensitive land

Insert at the end of the Schedule:

Land identified on a bush fire prone land map certified under section 146 of the Act as “Bush fire prone land—vegetation category 1”.

Land shown cross-hatched on the bush fire evacuation risk map.

[4] Dictionary

Insert in alphabetical order:

bush fire evacuation risk map means the map marked “Bush fire evacuation risk map” deposited in the head office of the Department of Planning.

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